

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

KARS 4 KIDS INC.,

Plaintiff,

v.

AMERICA CAN!

Defendant.

Civil Action No. .  
3:14-cv-7770 (PGS) (LHG)

AMERICA CAN! Cars for Kids,

Plaintiff,

v.

KARS 4 KIDS INC.,

Defendant.

Civil Action No.  
3:16-cv-4232 (PGS) (LHG)

**VERDICT FORM**

We, the jury, unanimously find:

Section I

Question 1

Has Kars 4 Kids established by a preponderance of the evidence that it owns exclusive rights to use either of its alleged trademarks, 1-877-KARS-4-KIDS or Kars 4 Kids, and that either of those trademarks were infringed by America Can! Cars for Kids in:

- ☒ None of the States in the United States  
☐ Some of the States in the United States  
☐ All of the States in the United States

Question 2

Has Kars 4 Kids demonstrated by a preponderance of the evidence that America Can! Cars for Kids willfully used marks confusingly similar to its mark?

- ☐ Yes  
☒ No

Question 3

If you answered "Some of the States in the United States" in Question 1, in which states do you find that Kars 4 Kids established by a preponderance of the evidence that it owns the exclusive right to use either of its trademarks, 1-877-KARS-4-KIDS or Kars 4 Kids, and that either of those trademarks were infringed by America Can! Cars for Kids?

**Northeast**

\_\_\_\_\_ Maine  
\_\_\_\_\_ New Hampshire  
\_\_\_\_\_ Vermont  
\_\_\_\_\_ Massachusetts  
\_\_\_\_\_ Connecticut  
\_\_\_\_\_ Rhode Island  
\_\_\_\_\_ New Jersey  
\_\_\_\_\_ Pennsylvania  
\_\_\_\_\_ New York

**South**

\_\_\_\_\_ Delaware  
\_\_\_\_\_ Maryland  
\_\_\_\_\_ District of Columbia  
\_\_\_\_\_ Virginia  
\_\_\_\_\_ West Virginia  
\_\_\_\_\_ North Carolina

\_\_\_\_\_ South Carolina  
\_\_\_\_\_ Georgia  
\_\_\_\_\_ Florida  
\_\_\_\_\_ Kentucky  
\_\_\_\_\_ Tennessee  
\_\_\_\_\_ Mississippi  
\_\_\_\_\_ Alabama  
\_\_\_\_\_ Arkansas  
\_\_\_\_\_ Louisiana  
\_\_\_\_\_ Texas  
\_\_\_\_\_ Oklahoma

**Midwest**

\_\_\_\_\_ North Dakota  
\_\_\_\_\_ South Dakota  
\_\_\_\_\_ Nebraska  
\_\_\_\_\_ Kansas  
\_\_\_\_\_ Missouri  
\_\_\_\_\_ Iowa  
\_\_\_\_\_ Minnesota  
\_\_\_\_\_ Wisconsin  
\_\_\_\_\_ Michigan  
\_\_\_\_\_ Illinois  
\_\_\_\_\_ Indiana  
\_\_\_\_\_ Ohio

**West**

\_\_\_\_\_ Montana  
\_\_\_\_\_ Wyoming  
\_\_\_\_\_ Colorado  
\_\_\_\_\_ New Mexico  
\_\_\_\_\_ Arizona  
\_\_\_\_\_ Utah  
\_\_\_\_\_ Idaho  
\_\_\_\_\_ Nevada  
\_\_\_\_\_ Washington  
\_\_\_\_\_ Oregon  
\_\_\_\_\_ California  
\_\_\_\_\_ Alaska  
\_\_\_\_\_ Hawaii

Section II

Question 4

Has America Can! Cars for Kids established by a preponderance of the evidence that it owns exclusive rights to use its alleged trademark, Cars for Kids, and that trademark was infringed by Kars 4 Kids in:

- ☐ None of the States in the United States
- ☒ Some of the States in the United States
- ☐ All of the States in the United States

Question 5

Has America Can! Cars for Kids demonstrated by a preponderance of the evidence that Kars 4 Kids willfully used marks confusingly similar to its mark?

- ☒ Yes
- ☐ No

Question 6

If you answered "Some of the States in the United States" in Question 4, in which states do you find that America Can! Cars for Kids established by a preponderance of the evidence that it owns the exclusive right to use its trademark and that trademark was infringed by Kars 4 Kids?

**Northeast**

- ☐ Maine
- ☐ New Hampshire
- ☐ Vermont
- ☐ Massachusetts
- ☐ Connecticut
- ☐ Rhode Island
- ☐ New Jersey
- ☐ Pennsylvania
- ☐ New York

**South**

- ☐ Delaware
- ☐ Maryland
- ☐ District of Columbia
- ☐ Virginia
- ☐ West Virginia
- ☐ North Carolina
- ☐ South Carolina
- ☐ Georgia

\_\_\_\_\_ Florida  
\_\_\_\_\_ Kentucky  
\_\_\_\_\_ Tennessee  
\_\_\_\_\_ Mississippi  
\_\_\_\_\_ Alabama  
\_\_\_\_\_ Arkansas  
\_\_\_\_\_ Louisiana  
~~\_\_\_\_\_~~ Texas  
\_\_\_\_\_ Oklahoma

**Midwest**

\_\_\_\_\_ North Dakota  
\_\_\_\_\_ South Dakota  
\_\_\_\_\_ Nebraska  
\_\_\_\_\_ Kansas  
\_\_\_\_\_ Missouri  
\_\_\_\_\_ Iowa  
\_\_\_\_\_ Minnesota  
\_\_\_\_\_ Wisconsin  
\_\_\_\_\_ Michigan  
\_\_\_\_\_ Illinois  
\_\_\_\_\_ Indiana  
\_\_\_\_\_ Ohio



**West**

\_\_\_\_\_ Montana  
\_\_\_\_\_ Wyoming  
\_\_\_\_\_ Colorado  
\_\_\_\_\_ New Mexico  
\_\_\_\_\_ Arizona  
\_\_\_\_\_ Utah  
\_\_\_\_\_ Idaho  
\_\_\_\_\_ Nevada  
\_\_\_\_\_ Washington  
\_\_\_\_\_ Oregon  
\_\_\_\_\_ California  
\_\_\_\_\_ Alaska  
\_\_\_\_\_ Hawaii

Section III

Question 7

Has either party established by a preponderance of the evidence that its alleged trademark(s) became famous before the other party commenced use of its alleged trademark(s)? (Select only one.)

- ☐ Kars 4 Kids
- ☐ America Can! Cars for Kids
- ☒ Neither

Instruction: If you answered “Kars 4 Kids” or “America Can! Cars for Kids” to Question 7, proceed to Question 8.

If you answered “Neither” to Question 7, stop here and proceed to Question 10.

Question 8

Has the party you identified in response to Question 7 established by a preponderance of the evidence that the other party has diluted or is likely to dilute the distinctive quality of its trademark(s) by diminishing the capacity of the trademark(s) to be identified with only one source?

- ☐ Yes
- ☐ No

Question 9

Has the party you identified in response to Question 7 established by a preponderance of the evidence that the other party willfully diluted its trademark(s)?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Section IV

Question 10

Has America Can! Cars for Kids shown by clear and convincing evidence that Kars 4 Kids knowingly procured its registration of its trademark 1-877-KARS-4-KIDS, by false or fraudulent declarations or representations, orally or in writing, or by any false means, to the United States Patent and Trademark Office, and that the United States Patent and Trademark Office relied on those false or fraudulent representations in granting the registration of 1-877-KARS-4-KIDS?

Yes \_\_\_\_\_

No ✓

Date:

5/28/19

Signed:

Time:

3:13

— Jury Foreperson